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INTERVENTION

ORIGINAL

Arizona Corporation Commission

DOCKETED

BEFORE THE ARIZONA CORPORATION COMMISSION

OCT 02 2000

CARL J. KUNASEK

CHAIRMAN

JIM IRVIN

COMMISSIONER

WILLIAM A. MUNDELL

COMMISSIONER

DOCKETED BY

IN THE MATTER OF THE)
 APPLICATIONS OF H2O, INC. AND)
 JOHNSON UTILITIES COMPANY FOR)
 AN EXTENSION OF THEIR)
 CERTIFICATES OF CONVENIENCE AND)
NECESSITY)

DOCKET NOS. W-02234A-00-0371

WS-02987A-99-0583

MOTION TO INTERVENE

1. Diversified Water Utilities, Inc. ("Diversified") hereby applies to the Arizona Corporation Commission ("Commission") for an order granting it leave to intervene in the above-captioned proceeding pursuant to A.A.C. R14-3-105 and the procedural orders issued in the above-captioned dockets.

2. Diversified is an Arizona corporation certificated by this Commission to provide domestic water service in sections 27, 34 and 35 T2S, R8E, and Sections 2, 3, 4, 9, 10, 11 and 12, T3S, R8E, Pinal County, Arizona.

3. H2O, Inc. and/or Johnson Utilities, L.L.C., dba Johnson Utilities Company have filed requests to extend their Certificates of Convenience and Necessity to areas either within, contiguous to or in the vicinity of the areas certificated to Diversified including, without limitation, Sections 28, 29, 31, 32, 33 and 34, T2S, R8E and Sections 13, 14, 15 and 16, T3S, R8E, Pinal County, Arizona.

4. Diversified, as an alternative water provider in the area, is ready, willing and able to provide water service to the areas sought to be certificated and will be directly and substantially affected by a decision or order of the Commission granting the applications.

LAW OFFICES

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2712
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1 5. In order to fulfill its obligation to the public, including Diversified and the
2 customers served by Diversified, the Commission, pursuant to A.R.S. §§ 40-281 and 40-282,
3 must thoroughly examine, among other things, whether a public need and necessity exists for any
4 certificated water or sewer provider in the area, whether applicants are fit and proper entities to
5 provide service in the areas involved in the applications and, whether the public interest will be
6 served by granting the monopolies requested by the applicants. The Commission must also
7 examine whether granting the applications would interfere with the operation of existing
8 certificated entities in violation of A.R.S. § 40-281(B). These issues cannot be fully explored if
9 Diversified, an alternative water provider, is not granted intervention and provided an opportunity
10 to prepare for and participate in the hearing process.

11
12 6. The name, mailing address and telephone number of the person upon
13 whom service of all documents is to be made is:

14 William P. Sullivan, Esq.
15 Martinez & Curtis, P.C.
16 2712 North Seventh Street
 Phoenix, Arizona 85006-1090
 (602) 248-0372

17 AND

18 Diversified Water Utilities, Inc.
19 Post Office Box 17357
 Phoenix, Arizona 85011
 (602) 840-9400

20 Respectfully submitted this 2nd day of October, 2000.

21 MARTINEZ & CURTIS, P.C.

22 

23 William P. Sullivan, Esq.
24 2712 North Seventh Street
25 Phoenix, Arizona 85006-1090
26 Attorneys for Diversified Water Utilities, Inc.

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**PROOF OF SERVICE AND
CERTIFICATE OF MAILING**

I hereby certify that on this 21st day of October, 2000, I caused the foregoing document to be served on the Arizona Corporation Commission by hand-delivering the original and ten (10) copies of said document to:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

With copies of the foregoing
mailed/delivered this 21st day
of October, 2000 to:

Karen E. Nally
Assistant Chief Administrative Law Judge
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

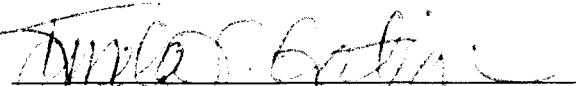
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T620 pleadings intervention motion.0930 (Johnson H2O)